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22 - August - 95

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SEP 15 1995

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Comments On: FCC Number = 95-255
Report and Order and Further Notice of Proposed Rule Making

Adopted: June 15, 1995 Released: June 23, 1995
Comment Date: September 15, 1995
Reply Comment Date: October 16, 1995

Paragraph Number: - Comments:

110 - It is good that the FCC has recognized the fact that the "Final Report and Order" issued in June of 1995 is not the "final word" on "Refarming" of the frequencies between 150 MHz and 470 Mhz. The proposal to use "market based" incentives is an excellent idea for the commercial frequencies, but, is completely "out of place" in the governmental and public safety frequencies. Unless unlimited, unencumbered funds are found and made available from some presently unknown source(s) to finance the research, engineering, and "purchase costs" of frequencies, many small public safety and governmental agencies will be left at the mercy of larger, better funded jurisdictions or commercial users.

The imposition of "user fees" would be an inconvenience, but, would be bearable if set at a reasonable level for "ALL" users with no exceptions. the cost for public safety and governmental agencies should be set at the cost of administration and "NOTHING MORE". The user fees could be set on a sliding scale (Example: \$100.00 for the first frequency or pair and ten percent more for each additional frequency or pair (\$100.00/\$110.00/\$121.00/\$133.10/\$146.41/etc.)).

Exclusivity is a nice concept, but, would require an inexhaustible, gigantic pool of frequencies for governmental and public safety users. It would also possibly encourage wealthier jurisdictions to acquire more frequencies than needed for later resale (investments).

111 - The fact that the frequencies between 150 Mhz and 470 Mhz are shared has been realized and accepted for many years. It is because of the many varied uses and users that these frequencies are so widely used. I do not know of any user who has not heard someone on "their" frequency. Even with all of the "new" channels it will not be long before most of the channels are "congested" again.

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It would probably be much better if certain channels were allotted to trunked, TDMA, and other forms of multiple user schemes and certain channels were allotted to conventional users operations.

112 - The "key" word in this paragraph is "private".

113 - It the FCC intends to promote "entrepreneurship" or other profit generating ventures, exclusivity with the right of resale would favor the wealthier users and "forsake" the small user who was forced to find a frequency to lease or buy because all the other usable ones were "taken". One factor that could be introduced would be wider separation distances (varied by terrain, antenna height, and rf output) between users of the same channel and adjacent channel users. This would enable wider reuse with the protection gained from distance, terrain, and lower rf output. The rules governing "trunking" also favor the larger user to the detriment of the small user who has fewer units over one who has many. Also, the channel loading requirements are impossible to meet for the small user who has four or five units (mobile and portable) in a small, sparsely populated area where commercial systems are not economically feasible.

114 - A sliding scale of user fees as proposed in paragraph one hundred ten would encourage more efficient use as the user fee would escalate as more channels were requested. The estimated value of the spectrum is a good "hypothetical value", but, it would be dependent on who were assigning the values (one persons "junk" is another's "treasure").

115 - "Competitive Bidding" is good if you have "DEEP POCKETS", otherwise it will be a "MONSTER" to deal with. the costs of a frequency or pair of frequencies can be driven to an extremely high cost that is more than a small agency or community can afford. Also, the income that will be derived from this type of procedure is extremely hard to predict and even harder to administer. the marketplace is the place to determine the cost of property that is available for use in a business or for resale, lease, or rental to an end user.

116 - The FCC should be allowed to raise funds in any legal, authorized manner that will benefit the citizens of the United States who are responsible for the existence of the FCC and who are the consumers of the merchandise (radio spectrum) administered by it.

117 to 126 - It would be ideal if Public Safety and Governmental users could be exempted from all user and administrative fees, but, we should pay our fair share of any fee(s) assessed upon spectrum users.

I do not believe that Public Safety or Governmental users should be subjected to spectrum auctions. There is no way that we (the public safety users) could be isolated from the prospect of a greedy, well funded entity procuring an excessive (for their use) number of frequencies, then leasing their use (at exorbitant rates) to those who could not afford to buy their own. This combined with "exclusivity" could create an intolerable situation in some areas.

The use of "spectrum efficient" technology and narrowband width equipment should be mandated for all users at some future date in foreseeable future (July 01, 2000?). The FCC should strictly enforce the type acceptance criteria advocate, and emphasize the use of the new technology at the same time. If users are not given a date by which time they will have to convert to the new equipment, they will procrastinate forever. there has always been a reluctance on the part of a great many smaller public safety and governmental users to convert to newer, more efficient equipment. There are several reasons, lack of knowledge, lack of funds, and resistance to change. The exemption from or reduced user fees and exemption from spectrum auctions should be great incentives for the conversion to the new, more efficient equipment. Users should also be made aware that the auctions and fees could be applied in the future if they did not convert their equipment. the assignment of exclusive channels could be combined with the conversion to narrowband equipment for users of large or regional communications systems to allow many users to reap the benefits of new, narrowband, efficient communications equipment.

The loading requirements should be varied as in paragraph number one hundred twenty-two.

126 - The last statement in this paragraph summarizes all my concerns with auctions and exclusivity.

127 - The narrowband technology as specified in the type acceptance regulations as specified in the Report and Order adopted on June 15 and released on June 23, 1995, the narrowband channels enumerated in the previously specified report and order, and proper loading criteria (Paragraph 124) should be the standard of efficiency. If the equipment is properly designed (in compliance with the new technical regulations), manufactured, programmed, installed, and operated properly it should be the "state of the art" (at present).

128 - The fees for exclusive use in the commercial sector should be market based. The user fees in the Governmental and Public Safety sectors should be governed by:

- a. The number of jurisdictions involved.
- b. The number of mobile radios, portable radios, control stations, and pagers on the system(s).
- c. The size of the area involved.

In other words, "The more units and users, the lower the fee(s)".

129 - Provisions "A" and "B" could apply to all users and provision "C" should only apply to commercial users.

130 - This statement is basically true, but, the transition must be made and kept "affordable".

- 131 -
1. = July 1, 2000.
 2. = Area by area.
 3. = Yes, if sufficient equipment is in use.
 4. = No.
 5. = See Paragraph #127.
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132 - I am in agreement.

133 - I am in agreement.

134 - Commercial User should be able to lease or rent excess capacity for a profit. Governmental and Public safety Users should be prohibited from renting, leasing, or selling excess capacity.

135 - Those who lease, rent, sell, or propose to do any of the above should be considered "COMMERCIAL USERS" and therefore subjected to the rules and regulations governing them. the exemptions granted to public safety and governmental users should forfeited and any and all appropriate fees due immediately.

136 to 139 - See previous comments on Paragraph # 110.

140 - See previous comments, Paragraphs #117 to #126.

141 to 143 - See previous comments, Paragraphs #110 and #115.

144 - Applicable to Commercial Users only.

145 - Auction authority should be given and expanded, but, only used in reference to commercial users (for resale, rental, lease, etc.).

146 - I am in agreement with this. Public Safety and Governmental Users should have all the presently available frequencies or frequency pairs (in their assigned spectrum) and all newly created frequencies or frequency pairs created by the "refarming" (in their assigned spectrum).

147 - This should be as presently done.

148 - Present users should have first access to the "new" frequencies and then any "new" licensees. The twenty or so radio services should be consolidated.

The police, fire, emergency medical, local government, and special emergency services should be consolidated into the "Public Safety Radio Service". The frequencies available for "commercial use" (resale, rental, and lease etc.) should be consolidated into the "Commercial Radio Service". The frequencies used by business for their own internal uses should be consolidated into the "Industrial Radio Service". Any frequencies freed up by the United States Government from it's radio spectrum should be divided equally and added to the appropriate radio services.

jgh/082295